THE HONOURABLE SRI JUSTICE

A.GOPAL REDDY

W.P.No.7774 of 2006

Dt.20-04-2006

Between:

B.Shankar

..Petitioner

and

1. The District Collector, Adilabad and others.

..Respondents.

THE HONOURABLE SRI JUSTICE

A.GOPAL REDDY

W.P.No.7774 of 2006

Oral Order:

By the impugned proceedings dated 20-03-2006 the M.R.O., Jainoor—2nd respondent found that the land, which was assigned in favour of Sri Todasam Gangu, was alienated in favour of the writ petitioner violating the conditions of grant of D form patta and accordingly ordered for restoration of land in favour of Todasam Sone Rao whose application was forwarded by the Collector to the M.R.O. for making enquiry.

It is not in dispute against the order passed by the M.R.O. an appeal lies to the R.D.O within 90 days from the date of receipt of the order under Section 4 (A) of A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 (for short “the Act’) and further revision to the District Collector under Section 4(B) of the Act against the order passed in the appeal.

Without availing the alternative remedy the petitioner invoked the jurisdiction of this Court. The reasons for invoking the jurisdiction of this Court under Article 226 of the Constitution, according to the learned counsel for the petitioner, are that the land is not an assigned land and earlier when the proceedings for violation of A.P. Scheduled Areas (Land Transfer) Regulation I/59 were initiated, the same were held in favour of petitioner in W.P.No.929 of 1978 and the same has become final. In view of the same, present proceedings are *mala fide* and writ petition can be maintainable against the impugned order.

Whether the land is an assigned land and the same was transferred in violation of Act 9/77 was not the subject matter of lis in the earlier W.P.No.929 of 1978. In view of the same, whether the land is an assigned land and whether the M.R.O. will have jurisdiction to order for resumption of the land is a matter which can be gone into by the appellate authority on an appeal is being filed. It is open for the petitioner to raise all the grounds, which are now raised in the writ petition, in the said appeal and if the same are raised, the appellate authority is under obligation to give a finding on the jurisdiction of the M.R.O. to entertain such petition and order for restoration of the land. Until the statutory period for filing the appeal is expired the impugned order should not be implemented.

Writ petition is accordingly disposed of. No costs.

_____ A.GOPAL REDDY, J.

20-04-2006

Note: Issue CC in three days.

(bo)

Murthy